

App. No. 09/618,321
Response to Office Action

Docket No. 66182

REMARKS

Reconsideration of the present application in view of the following remarks is respectfully requested. Twenty-two claims are pending in the application: Claims 1 through 22.

Claim Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 1 through 22 under 35 U.S.C. § 102(b). Claims 1 through 22 stand rejected as being anticipated by U.S. Patent No. 5,848,399 (Burke). Applicant respectfully traverses this rejection.

Applicant's specification states that the displayed products and images in the virtual and animated room may be chosen based on the user's personalization data. This provides a personalized shopping experience for the user in that an assortment of products are selected and presented to the user based on the user's tastes and preferences.

Applicant submits that the portions of Burke cited by the Examiner simply do not teach the use of personalization data as claimed by Applicant. Namely, Applicant's independent claim 1 recites "retrieving personalization data for a particular user from a database". The Examiner asserts that Burke's column 6, lines 50-60, column 11, lines 64-67 and column 12, lines 1-9 teach this step. Applicant submits, however, that these portions of Burke merely teach that the research database 67 stores all of the consumer's actions and is used for analysis and tracking of purchasing behavior. There is no teaching of "retrieving" personalization data for a particular user from a database.

Applicant's independent claim 1 also recites that the rendered display area includes images of one or more products that are "selected based on the personalization data". The Examiner asserts that Burke's column 5, lines 15-26 teach this step. Applicant respectfully disagrees. There is simply no teaching in this portion of Burke that one or more products are "selected based on the personalization data".

App. No. 09/618,321
Response to Office Action

Docket No. 66182

Not only do the portions of Burke cited by the Examiner fail to teach Applicant's claimed use of personalization data, but Applicant submits that Burke actually teaches away from the selection of products being based on a particular user's personalization data. Namely, Burke teaches that the consumer is allowed to select a product category. (Burke, col. 7, lines 52-67). Burke states that the "[t]he displayed product category appears to be very similar to what a consumer would actually view in a real store, such as shown in FIG. 14." (Burke, col. 8, lines 2-4). Burke's aim of displaying what a consumer would actually view in a real store teaches directly against Applicant's personalized shopping experience where the selection of displayed products is based on a particular user's personalization data. In fact, any attempted modification to Burke's system to somehow make it display products based on a particular user's personalization data would destroy Burke's intended function of displaying what a consumer would actually view in a real store, which means that a person of ordinary skill in the art would not be motivated to make such modification. Therefore, Burke cannot be used to establish a *prima facie* case of obviousness of Applicant's claim 1.

Burke states in his column 8, lines 5-15 that the system may also be arranged to display certain screens rather than product categories upon consumer selected options, but nowhere in this paragraph does Burke disclose or suggest that products may be selected and displayed based on a particular user's personalization data.

Furthermore, Burke teaches that "the research database 67 tracks consumer's actions in a manner which is transparent to the consumer." (Burke, col. 6, lines 59-61). This also teaches away from the invention as claimed by Applicant. Namely, Applicant uses "personalization data" to select specific images that will be sent to the consumer, which means the consumer directly views an image which is the result of the system using the personalization data. Any attempted modification to Burke's system to somehow make it display products based on a particular user's personalization data would destroy Burke's intended function of transparently

App. No. 09/618,321
Response to Office Action

Docket No. 66182

tracking a consumer's actions because such modification will cause the consumer to view and experience the results of the tracking. This is another reason why it would not be obvious to modify Burke in order to achieve the invention claimed by Applicant.

Therefore, Applicant submits that the rejection based on Burke has been overcome and that the rejection of independent claim 1, as well as all of its respective dependent claims, should be withdrawn. The rejection of independent claim 12, as well as its respective dependent claims, should also be withdrawn for the same reasons.

With respect to Applicant's dependent claims 6 and 17, the Examiner asserts that Burke's column 9, lines 13-29 teach processing data included in the communication with a personalization engine. Applicant respectfully disagrees and submits that there is no teaching of processing with a personalization engine in this portion of Burke.

No Fee Believed to be Due

No fee is required for the filing of this amendment.

App. No. 09/618,321
Response to Office Action

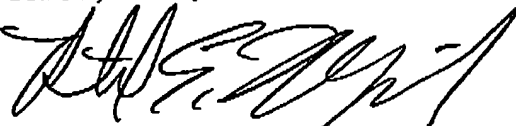
Docket No. 66182

CONCLUSION

In view of the above, Applicants submit that the pending claims are in condition for allowance, and prompt and favorable action is earnestly solicited. Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Richard E. Wawrzyniak at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY



Richard E. Wawrzyniak

Reg. No. 36,048

11/14/02

Date

Address all correspondence to:

FITCH, EVEN, TABIN & FLANNERY
120 So. LaSalle Street, Suite 1600
Chicago, Illinois 60603

Direct telephone inquiries to:

Richard E. Wawrzyniak
(858) 587-7641